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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,513	09/05/2003	Soren Eriksson	202-1416	8025

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EXAMINER

GIBSON, ERIC M

ART UNIT PAPER NUMBER

3661

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/656,513	Applicant(s) ERIKSSON, SOREN	
	Examiner Eric M. Gibson	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/5/03; 12/12/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The IDS filed 9/5/2003 lists several US Patent Applications. These documents are not prior art references. If the applications have been published as US Patent Publications, then the references should be submitted in a new IDS (see for example the IDS filed 12/12/2003). Because the applications are not prior art references, they have been crossed off the IDS (see attached copy).

Claim Objections

Claims 1-7 are objected to because of the following informalities:

Claims 1-7 are ostensibly directed to a system, however, the limitations contain almost entirely "wherein" language that recites function, rather than any structure.

Furthermore, claim 1, at line 4 and line 6, does not even recite "wherein" for the recitation of method steps that are claimed. Therefore, it is unclear how these detached phrases are intended to fit into the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Dominke et al. (US005991669A).

Per claim 1, Dominke '669 teaches a vehicle control configuration including a hierarchical control system with an upper (100, figure 1) and lower hierarchical level (106, 108, 124, 122, 120; figure 1), wherein downward signals include at least one request for a vehicle modification (demand allocation, figure 2) and upward signals include availabilities (column 4, lines 14-33).

Per claim 2, Dominke '669 teaches that the upward signals include availabilities of the mode of operation (column 4, lines 28-30).

Per claims 3 and 4, Dominke '669 teaches a request – response relationship between the two levels (column 4, lines 14-33).

Per claims 5 and 6, Dominke '669 teaches signals of vehicle measurements available to both levels (110, 112, 126, 128; figure 1).

Per claim 7, Dominke '669 teaches that the upward signals include status of the lower level (column 4, lines 28-30).

Per claim 8, Dominke '669 teaches a vehicle control system including a vehicle motion control subsystem (vehicle movement; figure 3), a suspension coordinator subsystem (suspension; figure 3) at a lower hierarchical level, wherein downward signals include at least one request for a vehicle modification (demand allocation, figure 2) and upward signals include availabilities (column 4, lines 14-33).

Per claim 9, Dominke '669 teaches that the upward signals include availabilities of the mode of operation (column 4, lines 28-30).

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Per claims 10 and 11, Dominke '669 teaches a request – response relationship between the two levels (column 4, lines 14-33).

Per claims 12 and 13, Dominke '669 teaches signals of vehicle measurements available to both levels (110, 112, 126, 128; figure 1).

Per claim 14, Dominke '669 teaches that the upward signals include status of the lower level (column 4, lines 28-30).

Per claim 15, Dominke '669 teaches a method of controlling a vehicle including a hierarchical control system communicating between an upper (100, figure 1) and lower hierarchical level (106, 108, 124, 122, 120; figure 1), wherein downward signals include at least one request for a vehicle modification (demand allocation, figure 2) and upward signals include availabilities (column 4, lines 14-33).

Per claim 16, Dominke '669 teaches that the upward signals include availabilities of the mode of operation (column 4, lines 28-30).

Per claims 17 and 18, Dominke '669 teaches a request – response relationship between the two levels (column 4, lines 14-33).

Per claims 19, Dominke '669 teaches signals of vehicle measurements available to both levels (110, 112, 126, 128; figure 1).

Per claim 20, Dominke '669 teaches that the upward signals include status of the lower level (column 4, lines 28-30).

Conclusion

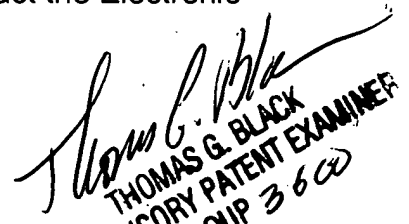
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bitzer et al. (US006292741B1) teaches overall motor vehicle control. Bitzer et al. (US006263262B1) teaches a vehicle control system. Dominke et al. (US006092006A) teaches a hierarchy system for controlling a vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Gibson whose telephone number is (571) 272-6960. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EMG


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